

4569. Misbranding of "Contrell's Magic Troche." U. S. * * * v. The Contrell Co., a corporation. Plea of guilty. Fine, \$25. (F. & D. No. 6846. I. S. No. 8066-e.)

On December 29, 1915, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Contrell Co., a corporation, Tenafly, N. J., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 18, 1913, from the State of New Jersey into the State of Massachusetts, of a quantity of "Contrell's Magic Troche," which was misbranded. The article was labeled: (On box; front) "The Magic Troche Is the most wonderful remedy ever made to cure Coughs, Colds, Sore Throat, Hoarseness, Catarrh, Tickling in the Throat, Asthma and Diphtheria. Pleasant to the Taste. For Public Speakers and Smokers they are invaluable. Sent By Mail Price 25c." (On back) "Contrell's Magic Troche Trade Mark. For all Throat Diseases Prepared And Sold By John Contrell, 24 Vestry St., New York." (On sides) "Directions. Place one of the Troches in the side of the mouth and let it dissolve gradually, swallowing as it dissolves. The effect is magical in cases of Throat Diseases." "The Magic Troche. Being harmless, can be used freely without any bad effect to the head or stomach. None Genuine without my Trade Mark. Sold by Druggists Price 25c." (On flap) "Guaranteed under the Pure Food and Drugs Act, June 30th, 1906. U. S. Serial No. 4134."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Total alkaloids (per cent)----- 0.031

The alkaloids present (cephaeline and emetine) indicated the presence of ipecac.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, "Contrell's Magic Troche. * * * For all Throat Diseases * * * The effect is magical in cases of Throat Diseases. The Magic Troche Is the most wonderful remedy ever made to cure * * * Catarrh, * * * Asthma and Diphtheria * * *," were false and fraudulent in that the same were applied to the article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for the cure of all throat diseases, catarrh, asthma, and diphtheria, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On February 14, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*